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SIPDIS

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SUBJECT: Haiti's Submission for Sixth Annual TIP Report

REF: SecState 3836

¶1. The following are Post's responses to reftel questions.

¶2. Overview of Haiti's activities to eliminate trafficking in persons:

¶A. Trafficking in persons in Haiti mainly involved the internal movement of children from the countryside into urban areas for domestic labor in a practice called, in Creole, "restavek" (derived from the French words "rester avec" meaning to stay with). Throughout the reporting period, poor, rural families continued to send their children to work as domestics for wealthy families or less poor family members in the hopes that the child will enjoy a better quality of life and receive an education. Girls, between the ages of six and fourteen, are more vulnerable for placement in urban households, while boys usually fulfill agricultural servitude roles. The informal practice has existed in Haiti for centuries and is directly related to the country's poverty and lack of economic alternatives. While some restaveks received adequate care including an education, the Ministry of Social Affairs and NGOs believed that many employers compelled the children to work long hours, provided them little nourishment, and frequently beat and abused them. The majority of restaveks worked in homes where the yearly income was very low, so conditions, food, and education for nonbiological children were not priorities. Although not all "restaveks" are victimized in this process, significant numbers are sexually exploited or otherwise abused. Reliable figures are difficult to obtain, but the Government of Haiti estimates that from 90,000 to 120,000 children are restaveks; UNICEF estimates that there are between 250,000-300,000 restaveks in the country. A recent USAID-funded study conducted by Glenn Smucker and Gerald Murray estimated that currently 700,000 Haitian children live away from their parents outside of the home.

¶B. While most trafficking occurs within the country's borders, Haitian children also are trafficked into the Dominican Republic where some are similarly exploited. Large numbers of Haitian economic migrants illegally enter the Dominican Republic where some become trafficking victims. Recent figures are not available, but the most recent study of trafficking across the border in August 2002, conducted jointly by UNICEF and IOM, found that between 2,000 and 3,000 Haitian children were sent to the Dominican Republic each year.

On a smaller scale, Haiti is a transit and destination country. Women from the Dominican Republic are trafficked into Haiti for prostitution. Reports indicate that many of these women travel voluntarily, but some are victims of trafficking.

¶C. The government's ability to adequately address the trafficking problem continued to be hampered by lack of available government resources to devote to the issue and perpetually weak institutions.

¶D. The GOH does not have a systematic monitoring mechanism for its anti-trafficking efforts.

### ¶3. Prevention Efforts:

¶A. The Interim Government of Haiti does acknowledge that trafficking is a problem and has taken some steps, following a major political crisis and limited internal resources, to address the issue with international assistance.

¶B. The Ministries of Labor and Social Welfare, Interior, Justice, Foreign Affairs, the Haitian National Police's (HNP) Brigade for the Protection of Minors (BPM), and the Social Welfare Institute (IBESR).

C, D. Most of the anti-trafficking information or education campaigns in Haiti have been sponsored by NGOs with the cooperation of the government, but no solely government-run campaigns.

¶E. The government maintains positive relationships with NGO's and civil society groups working to address the issue. GOH officials often participates in seminars and projects sponsored by NGOs, such as Pan American Development Foundation (PADF).

¶F. The government lacks the capacity to sufficiently monitor its borders. As part of an initiative launched in 2003 to increase vigilance at border checkpoints, the HNP and the Ministry of the Interior has posted border control agents at the international airport to watch for children who might be traveling unaccompanied and/or without their parents. Despite this progress, effective control of the Haitian/Dominican border remains problematic due to vast expanses of the border that are difficult to patrol and corrupt officials on both sides of the border.

¶G. There was an anti-trafficking inter-ministerial task force established in 2003, but the task force hasn't been active since February 2004.

¶H. The government does not have a national action plan to fight trafficking and has asked for assistance from UNICEF and NGO's such as PADF and IOM, in the formulation of a new plan.

### ¶4. Investigations and Prosecution

¶A. Haiti does not have a law specifically prohibiting trafficking in persons, either for sexual or non-sexual purposes. In September 2005, President Boniface Alexandre issued a decree criminalizing rape and making it punishable by law.

¶B. There are no penalties for sexual or labor exploitation in Haiti.

¶C. The penalty for rape in Haiti is 10 years; 15 years for aggravated rape and life or hard labor for premeditated and planned rape.

¶D. Prostitution is illegal in Haiti.

¶E. The government has not prosecuted any cases against traffickers in Haiti.

¶F. See 2 A and B. Concerning the internal trafficking of restaveks, there is not one entity behind the activity. Rather, the arrangements are made ad hoc between the families of the children and the receiving families. There is evidence that the trafficking to the Dominican Republic and other Caribbean islands is conducted by freelance

traffickers and small crime rings.

¶G. The government does not have the capacity to actively investigate cases of trafficking.

¶H. The government does not provide specialized anti-trafficking training for government officials, but does participate in training offered by NGOs. Additionally, the Haitian National Police signed an agreement for the UN Mission in Haiti (MINUSTAH) to provide specialized child protection training to its new recruit classes (?). All 778 new recruits participated in the courses as a component of their initial police training.

¶I. Post is not aware of GOH's cooperation with other governments on trafficking prosecutions.

¶J. N/A.

¶K. There was no evidence that the authorities were complicit in trafficking of persons.

¶L. N/A.

¶M. N/A.

¶N. In August 2005, the GOH ratified the Inter-American Convention on International Traffic in Minors as well as the UN Convention against Transnational Organized Crime and its supplemental Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

#### ¶5. Protection and Assistance to Victims

¶A. The government continues to lack sufficient resources to dedicate to the protection and rescue of trafficking victims. Despite the lack of resources, the GOH (note: you used GOH above.) has made some progress on rescue and protection of trafficking victims. On November 5, the Haitian National Police, in coordination with MINUSTAH and the Dominican Consul General, conducted an operation to rescue 13 young Dominican women who had been trafficked to Haiti and forced to work in a brothel. Police arrested a Haitian man named "Tines" as a suspect involved in the trafficking. All 13 girls were repatriated to the Dominican Republic on November 6. "Tines" remains in prison in Port-au-Prince for suspicion of trafficking.

The government social welfare agency, IBESR, lacks the resources to provide temporary shelter to rescued restaveks while offering them educational, medical and psychological services. In 2005, the government reopened a shelter in Carrefour hoping to alleviate capacity restraints, but staffing and budgetary issues rendered the shelter nonfunctional.

¶B. No such funding or support exists.

¶C. See 5.A.

¶D. Most of the victims of internal trafficking, the children who are rescued from abusive "restavek" situations, are not treated as criminals by the government. However, the government does not have the means to adequately assist them and as a result most end up re-trafficked.

¶E. N/A.

¶F. Rescued restaveks are placed in available shelter space provided by NGOs. (Query: If it is "nonfunctional" how are they placed there?) Protection for witnesses does not apply in Haiti since there have been no arrests or prosecutions.

¶G. The PADF training program for GOH officials includes training on recognizing potential trafficking victims, especially targeted at border officials.

¶H. Post is not aware of any repatriated nationals who were

victims of trafficking.

¶I. The government's social services agency, IBESR, cooperates with a number of NGOs in providing services, such as resettlement and job training to rescue restaveks, most notably Foyer Maurice Sixto.

¶6. Embassy Human Rights Officer Dana Banks is the point of contact on trafficking issues. She can be reached at (509) 222-0200, ext. 8270, IVG 271, and fax number (509) 223-9038, email: BanksD@state.gov. Poloff spent approximately 15 hours on compiling and drafting the report.